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Summary record of the 22nd meeting
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Chair: Mr. Tafrov ..... (Bulgaria)

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The meeting was called to order at 3.10 p.m.

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/68/L.23)

Draft resolution A/C.3/68/L.23: Convention on the Elimination of All Forms of Discrimination against Women

1. **Ms. Schoyen** (Norway), introducing the draft resolution, said that Croatia, Luxembourg and Romania had joined the sponsors.

2. **Mr. Gustafik** (Secretary of the Committee) said that Armenia, Bulgaria, Colombia, Guatemala, Madagascar, Monaco, Papua New Guinea, San Marino and Serbia had joined the sponsors of the draft resolution.

Agenda item 108: Crime prevention and criminal justice (*continued*) (A/C.3/68/L.20)

Draft resolution A/C.3/68/L.20: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

3. **Mr. Manana** (Uganda), introducing the draft resolution, said that the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders had been established to prevent crime and delinquency from subverting development in Africa. Most of the language from the previous year's version of the draft resolution had been retained. Some technical changes had been made to take into account new developments that had been included in the relevant report of the Secretary-General (A/68/125).

Agenda item 69: Promotion and protection of human rights (*continued*) (A/68/487)

(a) Implementation of human rights instruments (*continued*) (A/68/40 (Vol. I), A/68/40 (Vol. II, Part One), A/68/40 (Vol. II, Part Two), A/68/44, A/68/48, A/68/280, A/68/281, A/68/282, A/68/295 and A/68/334)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/68/36 and A/C.3/68/2)

4. **Mr. Kedzia** (Chair of the Committee on Economic, Social and Cultural Rights) said that the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, which had entered into force in May 2013, allowed victims of violations of economic, social and cultural rights to seek justice at the international level. The jurisprudence developed in that framework would provide useful guidance to States Parties and other actors in implementing the Covenant. The Protocol established the possibility of inquiries in the case of grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant.

5. Montenegro was the only State Party to have ratified the Optional Protocol thus far. The Committee on Economic, Social and Cultural Rights looked forward to working with all partners in promoting ratification of the Covenant and the Optional Protocol and intended to build on national jurisdictions that had clearly benefited rights holders, as well as on the experience of international courts and treaty bodies that had also dealt with claims related to economic, social and cultural rights.

6. Matching work time with workload was a major challenge facing the Committee. The additional two weeks of meeting time granted by the General Assembly, which was a helpful short-term measure, and further solutions were being sought. The Committee had, on its own initiative, reduced the meeting time for each State Party for consideration of periodic reports, thereby increasing the number of reports considered annually by five or six. The Committee had redesigned the role of country rapporteurs, enhanced the division of responsibilities among Committee members and restructured dialogues with Government delegations. However, while those steps would prevent an increase in the backlog of State party reports, they were insufficient to resolve the existing backlog of over 40 reports. The backlog meant that reports were outdated, at least in part, by the time of their consideration. Through its next report to the Economic and Social Council, the Committee would approach the Assembly with proposals concerning further steps to reduce and ultimately eliminate the backlog. The extension of the session time within existing resources was not a fully workable solution, given the limited capacities of the Office of the United States High Commissioner for Human Rights.

7. A 2012 letter from the previous Chair of the Committee had stated that retrogressive measures taken during economic emergency would be acceptable under the Covenant only if they were temporary, necessary, proportionate and non-discriminatory. Such measures

must aim to mitigate inequalities and ensure that the rights of disadvantaged and marginalized individuals and groups were not disproportionately affected. Policies should not interfere with the minimum core content of economic, social and cultural rights.

8. From the Committee's perspective, the emphasis on poverty eradication in the outcome document of the special event held on 25 September 2013 to follow up on efforts made towards achieving the Millennium Development Goals was crucial. Protection and implementation of economic, social and cultural rights were key to the achievement of sustainable development goals.

9. **Mr. Moura** (Portugal), making a statement on behalf of the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which Ecuador and El Salvador also aligned themselves, said that the Group of Friends had formed earlier in the year on the occasion of the entry into force of the Optional Protocol. The Optional Protocol gave substance to commitments made at the time of the adoption of the Covenant and reinforced at the World Conference on Human Rights.

10. Upon the adoption of the Optional Protocol, the High Commissioner for Human Rights had observed that the United Nations had come full circle with regard to the normative architecture envisaged in the Universal Declaration of Human Rights, giving a voice to victims of violations of economic, social and cultural rights as full-fledged rights holders. The Optional Protocol would enable victims to seek justice for violations of their rights at the international level by submitting individual communications or requests for an inquiry into grave or systematic violations. Those communications would help to develop jurisprudence and guide the understanding of States on matters related to economic, social and political rights and in devising adequate remedies.

11. International protection was subsidiary. Protection of economic, social and cultural rights must start at the national level, and the Optional Protocol was a reminder of the need to adopt national legal remedies.

12. Civil society organizations had an important role to play in raising awareness and in identifying and assisting victims in submitting communications and requests. The strength of the case law developed would depend greatly on the quality of the communications submitted.

13. **Ms. Tschampa** (Observer for the European Union) said that while the Committee had recognized that realization of economic, social and cultural rights was dependent on a healthy environment and that a green economy must have strong human rights linkages in order to yield lasting human rights benefits, steps towards green economies often had detrimental effects on local populations. Information was sought on measures envisaged to prevent violations of economic, social and cultural rights resulting from such growth strategies. Further, with regard to official development aid (ODA), which must complement domestic efforts and have a leveraging effect on other sources of funding, it would be helpful to know how a human-rights-based approach could support the highest possible impact and the catalytic role of ODA and how such an approach could feature in the preparation of the post-2015 development agenda. Finally, any reflections on how to apply the Optional Protocol on a country-by-country basis would be welcomed.

14. **Ms. Hosking** (South Africa) said that, consistent with the provisions of the Vienna Declaration and Programme of Action, equal emphasis should be given to the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

15. The Constitution of South Africa was known for its progressive approach to economic, social and cultural rights, which went well beyond the Covenant on Economic, Social and Cultural Rights. The adjudications of South Africa's constitutional court had given significant new momentum to the notion of the justiciability of economic, social and cultural rights. Ratification of that Covenant, including its Optional Protocol, was under way.

16. The fact that the Committee reported to the Economic and Social Council, whose core mandate did not cover human rights, was a matter of concern. Moreover, the Human Rights Council had no institutional relationship with the Economic and Social Council. The legal status of the Committee on Economic, Social and Cultural Rights should be altered from that of a committee created under a resolution of the Economic and Social Council to that of a committee created under international human rights treaty law, with its activities mainstreamed into the

United Nations human rights treaty system. Its thematic issues could then be discussed in the context of the Human Rights Council.

17. **Mr. Kedzia** (Chair, Committee on Economic, Social and Cultural Rights) said that the Committee had made a statement in 2012 in the context of the United Nations Conference on Sustainable Development on "the green economy in the context of sustainable development and poverty eradication", stressing the importance of international cooperation and of raising official development assistance (ODA) to 0.07 per cent of GNP and adopting a human rights-based approach to development. In dialogue with States parties, the Committee raised questions related to contributions to international development and ODA levels, as well as questions on the use of ODA to ensure the protection of economic, social and cultural rights. The Committee had also emphasized that States parties had the obligation to avoid adverse environmental effects on the right to food of their populations and the need to assess the impacts of newly developed green technologies in the area of energy and in relation to access to food and water. The Committee also emphasized the adverse implications for the right to food of cases of land grabbing and overexploitation of fisheries. It underlined the need to conserve the natural habitat and sustainable uses of natural resources as elements of the enjoyment of the right to health and drew States parties' attention to the linkages between biodiversity conservation and potential advances in pharmacology and medicine crucial to promotion of the right to health. Such comments were made in the context of the rights of the beneficiaries of development under the Covenant.

18. The questions raised were thus regularly reflected in dialogues with Governments. It was important to focus on the specific situation of a reporting country; attempt to find the best possible assessment of the policies and laws applied, in dialogue with a Government; and, on that basis, formulate useful recommendations.

19. The 2012 statement referred to was the contribution of the Committee to discussion of the post-2015 development agenda. The Committee was convinced that economic, social and cultural rights were an excellent criterion for policy development and implementation assessment. If design of the post-2015 development agenda adopted the rights-based approach, the process would then have the most effective tool to identify goals and means of reaching them. The rights-based approach placed the individual at the centre of development efforts and measured the impact of development programmes by improvements in living conditions. Disadvantaged and marginalized groups should receive particular attention, and the rights-based approach provided a way to identify such people.

20. The Committee was preparing for consideration of the first communications submitted under the Optional Protocol, including by collecting good practices from the other treaty bodies with respect to individual communications. Given the provisions contained in article 2 of the Covenant, consideration of communications would be a challenge, but the Committee believed that it was equipped to address the issue.

21. **Sir Nigel Rodley** (Chair of the Human Rights Committee) said that since the previous General Assembly, the Human Rights Committee had adopted decisions on 109 communications and reviewed 16 periodic reports. States must actively engage with the Committee throughout the process, not only by producing a report, but also by implementing the Committee's concluding observations. In cases of a violation under the Optional Protocol, the provision of a remedy and the acceptance of requests for interim measures of protection could save lives. Ratification without implementation was a gross deception. Participation of States in the preparation of general comments was vital for the Committee.

22. The 40 States that were at least five years overdue with a report, those that were unable (as opposed to unwilling) to implement Committee recommendations and States having other difficulties meeting their obligations should consider seeking the assistance of the Office of the United Nations High Commissioner for Human Rights. States that disagreed with the Committee on the interpretation of certain rights or on factual conclusions must explain the basis for the disagreement. Simple failure to provide remedies for violations undermined the credibility of a State party's acceptance of the procedure.

23. The Committee currently had a backlog of 36 reports. To reduce the lag time of two and a half years between submission and consideration of reports, the Committee had begun reviewing six reports per session rather than five. The first report received under

the simplified reporting procedure, from Uruguay, would be reviewed in Geneva within a few days. Thus far, 21 States parties had signed up for the procedure, and the Committee had adopted lists of issues in 10 cases. All States parties that met the criteria were encouraged to adopt the procedure. Lists of issues had been adopted in two parallel chambers; the periodicity for reports had been increased; and Bureau meetings were held outside official meeting time.

24. The backlog of individual communications had increased owing to the shortage of human resources in the Secretariat. The average length of time from receipt of a case to consideration was three and a half years and growing. The situation was serious. Under the Covenant, judicial processes were to be concluded within a reasonable time at the national level. For the Committee not to do the same was an embarrassment. Given such challenges, the substantive resolution on the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system should not be delayed beyond February 2014.

25. All savings must be reinvested in the treaty body system, and treaty bodies should be provided with the proper material and human resources from the regular budget to carry out their responsibilities under the treaties.

26. **Mr. Sparber** (Liechtenstein) said that the wording of article 17 of the Covenant seemed to include the right to privacy for electronic forms of correspondence. He wondered how the Committee envisaged its role in the current discussion on the right to privacy in the digital age.

27. **Ms. Tschampa** (Observer for the European Union) asked if there were additional proposals that had not been mentioned in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860). Additional information would be appreciated on the role and significance of national human rights institutions from the perspective of the work of the Human Rights Committee. The Committee had held a discussion with stakeholders in preparation for its next general comment on article 9. Further information was requested on the benefits of such initiatives for the work of the Committee.

28. **Ms. Stephens** (United Kingdom) asked for additional ideas on how to address reprisals and on best practices for engagement with civil society.

29. **Ms. Mwaura** (Kenya) said that the Constitution of Kenya recognized all international treaties to which Kenya was a party as a source of national law and saw human rights as inherent in each individual, rather than granted by the State. Women headed 6 of Kenya's 18 ministries. All constitutional commissions headed by women had male deputy heads, and vice versa. The Government was working with partners to implement the national laws prohibiting female genital mutilation. Work was ongoing with men and boys generally, as well as with opinion leaders, to find alternative rites of passage. Everyone had the right to file a claim regarding a human rights violation. The formalities were minimal, and no fee was charged for commencing such proceedings. In the past month, the Head of State had moved to close all camps for internally displaced persons.

30. Information was requested on how to reconcile conflicting obligations under international law. The International Covenant on Economic, Social and Cultural Rights provided for the right to take part in cultural life, while the International Covenant on Civil and Political Rights suggested that the exercise of cultural life should be prohibited. Specifically, the Human Rights Committee had recommended a prohibition on polygamy in Kenya. However, the Constitution of Kenya recognized polygamous marriages under customary law. How were the obligations under all of those sources of law to be reconciled?

31. **Ms. Schneeberger** (Switzerland) asked whether the Committee was still contemplating working in parallel chambers and whether it had plans to appoint a focal point to address the issue of intimidation and reprisals or to learn from the relevant best practices of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee was urged to take up the issue of protection of the right to privacy and to consider updating its general comment on article 17 of the Covenant.

32. **Mr. von Haff** (Angola) said that his country commended the work of the Human Rights Committee in endorsing the Addis Ababa guidelines on independence and impartiality of members of the

human rights treaty bodies. Angola was willing to consider the decision of the Human Rights Committee to request approval from the General Assembly for an additional week of meeting time per year for the next biennium as a temporary measure to address the backlog of communications under the Optional Protocol.

33. Following consideration of its first report to the Committee earlier in the year, Angola was working on follow-up recommendations with regard to reviewing the mandate of the Office of the Ombudsman in accordance with the Paris Principles; adoption of a national strategy to prevent domestic violence; and adoption of concrete measures to accelerate free birth registration for all.

34. **Sir Nigel Rodley** (Chair of the Human Rights Committee) said that, to some extent, the issue of the right to privacy had been addressed in general comment 34 on freedoms of opinion and expression, although it had not been the main focus of that comment. In deciding on the subject of the next general comment, the Committee considered the degree to which past general comments had grown out of date and what issues had arisen since then. Articles 6 and 9 were currently under discussion, and article 6 was extremely outdated. When the second reading of draft general comment 35 was close to completion, a decision would be taken regarding the subject matter of the next general comment. Only one general comment could be done at a time, and while the Committee was aware that there was great interest in an update of its general comment on article 17, it was still too early to choose the topic of the next general comment. The only other way that the Committee might engage on the issue would be through its review of States' periodic reports. The reports of several States in which the issue had arisen would be reviewed in the near future.

35. The report of the High Commissioner referred to had been informed by a very strong consultative process, and many of the proposals that had emerged had been reflected in the report. Joint follow-up work was one area that could be explored further. That possibility had been raised some years earlier at an annual meeting of the Chairs of the human rights treaty bodies, but it had not been pursued.

36. The human rights treaty bodies were attempting to determine whether there was, with regard to relations between the treaty bodies and national human rights institutions, a model that could be generally applied, or whether a more tailored approach was called for. In some cases, national human rights institutions briefed the Committee at meetings in which the State party did not participate, or they submitted an alternative report. In other cases, the national human rights institution was represented in the country delegation. That did not prevent such institutions from providing independent information, but it was somewhat irregular for a State party to look to the representative of a national human rights institution to respond to a question from a Committee member, as sometimes happened. A great range of national human rights institutions were represented in the International Coordinating Committee of National Human Rights Institutions, all of which conformed to some extent to the Paris Principles, and many of which provided very valuable information to the Committee. The subject of such institutions and of how independent, effective and well-resourced they were was a frequent topic of discussion with those States parties that had such institutions, while the need to establish such an institution was frequently raised with other States parties.

37. The consultative session on the general comment on article 9 had been based on elements of a first draft, an idea that had arisen from a similar practice carried out by another treaty body.

38. There had been some discussion of establishing an inter-committee body to address the issue of reprisals. The Committee had discussed the issue with representatives of civil society, but had not arrived at any institutional conclusions.

39. It was not clear that the two International Covenants were in conflict with regard to polygamy, nor was it clear that the Committee on Economic, Social and Cultural Rights had in fact stated that polygamy was consistent with its Covenant. The Human Rights Committee had long held that polygamy, as practiced, was discriminatory, and therefore at odds with the principle of non-discrimination contained in the Covenant.

40. The Committee would discuss the issue of dual chambers during its current session and would, in all likelihood, be open to the idea as a method of crisis management, rather than as a desirable means of regular operation.

41. **Ms. Cisternas Reyes** (Chair of the Committee on the Rights of Persons with Disabilities) said that the Committee on the Rights of Persons with Disabilities had adopted 10 concluding observations since beginning consideration of initial reports in 2011 and had 13 lists of issues pending. It had considered, inter alia, such issues as the right of persons with disabilities to enjoy and exercise their legal capacity, the right to freedom from torture, respect for the home and family, access to justice, the right to live independently and be included in the community, the right to inclusive education, the right to full access to open labour markets and health services, the sexual and reproductive rights of women and children with disabilities and the right to participation in political life.

42. The Committee had received and adopted decisions on 20 individual communications on equal recognition before the law, non-discrimination, the right to health, access to banking institutions and the right to vote, inter alia. In September, the Committee had adopted two draft recommendations, one on equal recognition before the law and full and effective exercise of legal powers and another on accessibility. They were open for comments until the end of January. The Committee had established a working group on the rights of women with disabilities, with a special focus on abuse and sexual and reproductive health.

43. The Committee had adopted the Addis Ababa guidelines and incorporated them in its rules of procedure. It had adopted some best practices from the other treaty bodies, adapting them to fit its needs. In a meeting with the facilitators of the intergovernmental process, members of the Committee had stressed the importance of accessibility and reasonable accommodation. The Committee had been pleased to see those views included in the draft elements for a resolution on strengthening the treaty bodies.

44. In a statement on the post-2015 development agenda, the Committee had called on States to mainstream the human rights-based approach in their relevant activities to take into account the full participation of persons with disabilities. In a statement on behalf of the Committee delivered at the recent High-level Meeting of the General Assembly on the realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities, the Chair had stressed the need to recognize the diversity of persons with disabilities, especially those in vulnerable situations, such as women, children, the elderly, indigenous persons, those living in rural areas and those in areas where there were natural disasters or armed conflict. Her statement had also stressed the importance of collecting data disaggregated by sex, age, type of disability and region. The universality, indivisibility and interdependence of human rights must be taken into account, especially in the case of persons with disabilities living in developing countries, who represented 80 per cent of all persons with disabilities. Some of the Committee's recommendations had been included in the outcome document of that event.

45. At the outset, the Committee had had two weeks of sessions per year. That had recently been expanded to three weeks per year, and in 2014, it might be raised to seven weeks per year, allowing a significant increase in productivity. The Committee appreciated the accessibility evaluation carried out in 2012 by a consortium of private entities. States parties must recognize the importance of accessibility, not only in the context of the Committee but throughout the United Nations. In conclusion, she said that the Committee was committed to increasing cooperation with the Conference of States parties.

46. **Mr. Elbahi** (Sudan) said that in order to mainstream persons with disabilities in all areas of life, the Sudan had established a national entity with regional councils and had adopted a national law that was in line with the Convention. A five-year strategy for the period from 2012 to 2016 addressed all disability-related issues and a committee dealt with issues related to prosthetics. Political parties were required to include persons with disabilities as electors and candidates. He requested further information on the nature of the support for implementation of the Convention that the Committee could provide to States parties.

47. **Mr. Gálvez** (Chile) said that Chile recognized the urgency of the intergovernmental process and supported its extension until February 2014. Chile had been represented by its Minister for Social Development at the recent High-level Meeting of the General Assembly on the Realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities. Heightened commitment was required on the part of the international community to strengthen the human rights dimension of disability

and include persons with disabilities as actors and stakeholders in the post-2015 development agenda. Their concerns and experiences should be mainstreamed in the design of development projects and public policy. He requested further information on how gender had been incorporated in the work of the Committee.

48. **Ms. Tschampa** (Observer for the European Union) said that her delegation was strongly in favour of increasing the Committee's sustainability and strengthening its working methods. She wondered what additional measures should be taken to strengthen the engagement and ensure the active participation of persons with disabilities in the post-2015 agenda debates. A gender perspective on disability was becoming increasingly necessary. Information on the Committee's preliminary assessment of States' compliance with article 6 would be appreciated, as would any relevant best practices. Also of interest was the Committee's assessment of the extent to which persons with disabilities were able to engage in the effective exercise of their political rights. Further information on compliance of States parties with that aspect of the Convention would be welcomed, as would information on which aspects of the disability issue were deemed the most difficult.

49. **Mr. Sánchez** (Mexico) said that Mexico had submitted its first periodic report to the Committee in 2011. The report touched on such issues as accessibility, legal capacity, access to education and the labour market, and would be considered by the Committee in 2014.

50. **Ms. Cisternas Reyes** (Chair of the Committee on the Rights of Persons with Disabilities) said that the Committee would do everything possible to assist States parties in acquiring the necessary implementation capacity. Other United Nations agencies could also provide States parties with relevant technical assistance. The Conference of States Parties to the Convention on the Rights of Persons with Disabilities was an important forum for interaction. The rapid ratification of the Convention by a large number of States augured well: in six years, 137 States had ratified the Convention and 78 had ratified the Optional Protocol.

51. Broad civil society participation in meeting development goals was important. Civil society organizations representing persons with disabilities had participated in work on the Convention, and groups from all over the world had attended the High-level Meeting of the General Assembly on the Realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities. States parties were receptive to the participation of persons with disabilities, including through informal channels.

52. The Committee's recommendations and concluding comments had considered the status of women, with a number of recommendations related to article 6 of the Convention and the social and political status of women. A general comment on women and children with disabilities was in preparation. Women with disabilities suffered from double discrimination, and appropriate structures were needed to remove barriers preventing them from participating in public life.

53. **Mr. Medan** (Croatia) said that many people were currently unemployed or unable to live on their earnings. Economic, social and cultural rights could not be separated from political and civil rights; food, water, health and housing were prerequisites for human dignity. The current wave of drastic social cuts and reforms to contain budget deficits could lead to regression on economic, social and cultural rights. The potential impact of economic downturns on people already living in precarious and marginalized situations must be taken into consideration. Crises worsened income inequality and caused the poor disproportionate suffering. Austerity measures alone might not be effective in addressing economic problems. Education, employment, transparency, accountability and good governance must not be neglected.

54. The overwhelming majority of people worldwide supported human rights ideals and must be mobilized into a force too powerful to be overlooked. Arguments based on religion, tradition and cultural practices must never be used to justify violence, discrimination and violations of human rights and fundamental freedoms. Reference to cultural traditions to justify human rights violations could undermine international human rights agreements, particularly with regard to women's rights and the rights of lesbians, gays, bisexuals and transgender people.

55. **Mr. Jahromi** (Islamic Republic of Iran) said that the intergovernmental process should result in a single outcome, rather than case-by-case ad hoc solutions.

While the treaty bodies certainly should be better financed, underfunding was not their main challenge. Improved financing should be based on a comprehensive needs assessment. In that connection, the request of the General Assembly to the Secretary-General for a detailed cost assessment process was welcome. While the Islamic Republic of Iran supported extending the General Assembly mandate on the intergovernmental process to the first half of February 2014, the determining factor should be a meaningful outcome.

56. The treaty bodies should abide strictly by their mandates and enhance communication with States parties. They must avoid any act that exceeded their treaty mandates and steer clear of politicization and selectivity. Constructive dialogue with States parties must ensure that conclusions and recommendations matched the specific circumstances of States parties and were thus appropriately targeted to facilitate treaty implementation. Treaty bodies should seek broad inputs from all parties in preparing their general comments, which should be faithful to the original intent of the treaty, while overly broad interpretation of treaty provisions should be avoided.

57. All countries should try to protect all human rights and fundamental freedoms, including the right to preserve the cultural identity and sovereign equality of States Members of the United Nations. It was unfortunate that some issues highlighted in the Vienna Declaration and Programme of Action, such as the enhancement of international cooperation on human rights and further attention to national and regional particularities and the religious, historical and cultural backgrounds of Member States in dealing with human rights, were not receiving adequate attention. The Vienna Declaration and Programme of Action also called upon States to refrain from unilateral measures that created obstacles to trade relations among States and impeded human rights, and the World Conference on Human Rights had affirmed that food should not be used as a tool for political pressure. Regrettably, a few States continued to ignore established principles and norms of human rights, resorting to unilateral measures to advance their political goals, to the detriment of the basic rights of the affected population.

58. **Mr. Albably** (Yemen) said that human rights were a priority in Yemen, although progress in the area varied from year to year. A strong foundation of legal and constitutional human rights guarantees had been developed, particularly since 2011. Measures had been taken to provide for the victims of all recent political conflicts, as well as for their families.

59. The Government of Yemen had acceded to the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance. A project to combat human trafficking had been approved; a national human rights strategy had been drafted; and a national human rights committee was being set up. Recently, the Office of the United Nations High Commissioner for Human Rights had opened an office in the national capital.

60. The rights of children, women, persons with disabilities, the elderly and refugees were of particular concern in Yemen. The Government submitted periodic reports under numerous international human rights instruments. It cooperated with civil society and friendly nations on such issues and was currently engaged with the United Nations Children's Fund (UNICEF) on a project to monitor the rights of children. A plan of action was being prepared in cooperation with the United Nations to prohibit the participation of children in the armed forces or security services. Yemen had acceded to the Declaration of Commitment to End Sexual Violence in Conflict and the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups. It had hosted a number of regional and international conferences, including on fledgling democracies, the rights of Arab women and Guantanamo detainees.

61. Yemen called for action with regard to its citizens held in Guantanamo, particularly those who, according to the United States Government, had no connection with terrorism. Legal procedures based on human rights criteria should be applied to the detainees.

62. **Ms. Calcinari Van Der Velde** (Bolivarian Republic of Venezuela) said that the Constitution of Venezuela was seen as one of the most innovative and democratic in the region. A party to 13 international human rights instruments, Venezuela was a leader in the promotion and protection of human rights, including the rights to education, health, food and housing, as well as civil and political rights, the right to access to information and the right to social equality. There was no illiteracy in Venezuela; 97 per cent of

boys and girls had access to primary school and the country had one of the region's highest rates of university enrolment. Millions of free medical appointments had been provided; investments in the food sector and a food distribution network had, in 2012, reduced the number of people suffering from hunger to a historically low 2.5 per cent; more than 250,000 units of housing had been constructed in less than two years; the rate of electoral participation over the past 15 years stood at 80 per cent; and Venezuela was the least unequal society in Latin America and the Caribbean.

63. The human rights treaty bodies must take care to respect the principles of cultural, political, economic and social diversity. It was therefore extremely important that their membership reflect just and equitable geographic representation.

64. **Mr. McLay** (New Zealand) said that persons with disabilities must always have the opportunity to participate in all policy development and decision-making. Many were unable to reach their potential or participate fully in the community owing to difficulties that included physical barriers to access to facilities and society's poor awareness of disability issues and of the capacity and potential of persons with disabilities. Difficulties arose when society did not take account of people's impairments and assumed that everyone could see signs, read directions, hear announcements, reach buttons, open heavy doors and have stable moods and perceptions. Persons with disabilities did not need special conditions but rather equal opportunities.

65. The outcome document of the recent High-level Meeting of the General Assembly on the Realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities should be viewed as the start of a process rather than its conclusion. It provided States with a road map for a disability-inclusive development agenda. Persons with disabilities were both agents and beneficiaries of development. New Zealand regarded the rights and participation of persons with disabilities as essential components of disaster risk reduction, humanitarian action and emergency contingency planning.

66. In the course of rebuilding and recovering from devastating earthquakes that had occurred in 2010 and 2011, New Zealand was making its emergency preparedness services more responsive to persons with disabilities. The earthquakes had demonstrated the importance of good statistical data on location, gender, disability impairment and ethnicity. In conjunction with its national census carried out every five years, New Zealand conducted a disability survey that provided information on the numbers of persons with disabilities living in New Zealand, as well as on the nature, duration and cause of their impairments.

67. **Ms. Patel** (India) said that the Office of the United Nations High Commissioner for Human Rights had the responsibility to demonstrate that it was independent and impartial by being open, fair, transparent and accountable to all stakeholders. The representative nature and financial independence of the Office must be maintained. It was a matter of concern that only one third of the funding for the Office came from the regular budget, while two thirds came from voluntary contributions.

68. Conscious effort was required to ensure that the Human Rights Council continued to function in a non-selective, non-politicized and transparent manner. The universal periodic review was a unique peer review process driven by Member States. The intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system was intended to make the human rights treaty body system more coherent, coordinated and effective. India supported a consensus outcome to that process.

69. The Vienna Declaration had reaffirmed the universal and inalienable right to development. At the United Nations Conference on Sustainable Development, the international community had renewed its commitment to sustainable development, recognizing poverty eradication as the greatest global challenge. While States had the primary responsibility to promote the right to development, international cooperation was essential to create a supporting environment for realization of the right to development.

70. Determining the most effective way to promote and protect human rights, especially in instances of gross and systematic violations, was a major challenge. Such violations must be addressed promptly, impartially, collectively and effectively by the international community, wherever in the world they occurred.

71. A law on the right to information, adopted in India in 2005, had empowered ordinary citizens and led to more transparent and accountable governance. Landmark legislation guaranteed basic rights in the areas of work and employment, education and food security.

72. **Mr. Asimov** (Kyrgyzstan) said that his country had ratified seven of the nine principal United Nations human rights conventions, including, most recently, the Convention on the Rights of Persons with Disabilities. The national Constitution, adopted by referendum in 2010, eliminated the death penalty and strengthened the rights of citizens to assemble peacefully. Under legislation on legal and regulatory acts, all drafts of documents that would have a direct impact on citizens' interests would be made available for public discussion on the official website of the body responsible for drafting and adopting legislation. The institution of ombudsman had been operating successfully since 2002.

73. The treaty bodies should take account of the interests of all parties in preparing its comments, including the opinions and recommendations of States parties. They should guard against overly broad interpretations of the treaties. Constructive dialogue between the treaty bodies and States parties to the Conventions was extremely important so that conclusions and recommendations would correspond to specific conditions in various countries and could realistically be carried out. States' comments on draft concluding recommendations must be included in the reports of the treaty bodies.

74. Between 2010 and 2013, Kyrgyzstan had submitted six periodic reports to treaty bodies, on the rights of the child, civil and political rights, economic, social and cultural rights, the elimination of racial discrimination, torture and the elimination of discrimination against women. A periodic report on the rights of migrants and members of their families was under preparation. Kyrgyzstan would be a candidate for membership of the Human Rights Council for the period 2016-2018.

75. **Mr. Ochs** (Mongolia) said that under the Constitution of Mongolia, international treaties to which the country was a party had the weight of domestic law. The Criminal Code was being amended to eliminate the death penalty, in compliance with the Second Optional Protocol to the International Covenant on Civil and Political Rights. Implementation of human rights treaties posed severe challenges.

76. The Government of Mongolia had recently signed the Optional Protocol to the Convention against Torture. At the twenty-fourth session of the Human Rights Council, Mongolia had been one of the sponsors of a resolution on enhancement of technical cooperation and capacity-building in the field of human rights. Mongolia would be a candidate in the 2015 elections of the Human Rights Council.

77. Countries with less developed institutional capacities faced implementation difficulties. More effective awareness measures, such as training courses, were crucial, and the relevant guidelines should be made accessible to all stakeholders. Inclusivity was important, and, in particular, the voices of small countries should be heard. Mongolia endorsed the Joint Statement of the Chairpersons of Human Rights Treaty Bodies on the post-2015 Agenda.

The meeting rose at 6.05 p.m.